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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, KALINI  
BOYKIN, VALERIE BROWN, RICK  
GONZALES, CYNTHIA GUERRERO,  
RACHEL HUTCHINS, TYRONE  
MERRITT, KELVIN SMITH, SR., and  
KEN STEVENSON, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

FEDEX EXPRESS, a Delaware  
corporation,

Defendant.

Case No. C 03-2659 SI; C 03-2878 SI

CLASS ACTION

STIPULATION AND [PROPOSED] ORDER  
PERMITTING LATE CLAIM OF JANEL  
BUYCKS TO BE PAID FROM  
MONITORING FUND

1 WHEREAS, the deadline for claims forms required that claims forms be mailed to the  
2 Claims Administrator postmarked no later than August 1, 2007;

3 WHEREAS, based on claims forms received as of October 1, 2007, including several late  
4 claims forms permitted by prior stipulation of the parties and Order of this Court, the Claims  
5 Administrator calculated the amount owing to each class member pursuant to the Plan of  
6 Allocation and mailed out checks to 12,053 class members on December 5, 2007;

7  
8 WHEREAS, by Stipulation of the parties, and by April 1, 2008 Order of this Court, the  
9 Claims Administrator mailed checks to nine additional Class Members;

10 WHEREAS, pursuant to a Stipulation of the parties, and Order of the Court dated May 23,  
11 2008, the Claims Administrator reissued checks to 14 class members who had submitted timely  
12 claims, but whose checks did not reach them due to incorrect addresses, and issued a check to a  
13 person whose claim was late due to his service overseas in the U.S. Army.

14  
15 WHEREAS, in order to fund the 15 checks authorized on May 23, 2008, the parties and  
16 the Court authorized the Claims Administrator to take \$5,215.48 from the fund set aside to pay  
17 Class Counsel for monitoring the Consent Decree, since the \$38,500,000 set aside in the Consent  
18 Decree, Section XXII.3.2, for payment to eligible Class Members who did not opt out and who  
19 had submitted timely claims, had already been completely distributed.

20  
21 WHEREAS, on September 24, 2007, class member Janel Buycks submitted a claim. If  
22 Ms. Buycks had submitted a timely claim, under the Plan of Allocation, her award would have  
23 been \$1,049.50, including the employer's share of applicable payroll taxes.

24 WHEREAS, Class Counsel believes it is appropriate to take \$1,049.50, plus interest at the  
25 federal T-bill rate since December 5, 2007, from the fund set aside to pay Class Counsel for  
26 monitoring the Decree, in order to pay Ms. Buycks's late claim.

27 WHEREAS, the Court has "retain[ed]" jurisdiction of this Court Action during the Term of  
28

1 the Decree, for the purpose of entering all orders authorized by the Decree, which may be  
2 necessary to implement the relief provided in the Decree, or to enforce the provisions of the  
3 Decree.”

4 THEREFORE, the parties hereby stipulate and agree as follows:

- 5 1. The Claims Administrator shall pay Ms. Janel Buycks the sum of \$1,049.50, plus  
6 interest at the federal T-Bill rate from December 5, 2007, from the fund set aside to pay  
7 Class Counsel for monitoring the Decree.  
8

9 Dated: June 29, 2009

ALTSHULER BERZON LLP

10 By: /s/ James M. Finberg

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Dated: June 29, 2009

By: /s/ Frederick Douglas

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**ORDER**

The forgoing stipulation is approved, and IT IS SO ORDERED.

Dated: \_\_\_\_\_



The Hon. Susan Illston  
United States District Judge